

**REMARKS**

The Office Action of May 2, 2008, has been carefully reviewed and these remarks are responsive thereto. No new matter has been added. Claims 1-4, 9-14, and 20-24 remain pending in this application.

***Claim Rejections Under 35 U.S.C. § 103***

Claims 1-3, 9-13, and 20-24 stand rejected 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,265,894 to Reblewski et al. (hereinafter referred to as “*Reblewski*”) in view of U.S. Patent No. 6,064,677 to Kappler, et al. (hereinafter referred to as “*Kappler*”). Applicants respectfully traverse these rejections.

Independent claim 1 recites, among other features, “wherein the signal inclusion schedule specifies the order *and frequency* of occurrence of each of the plurality of signals in the message.” (emphasis added).

In Applicants’ Amendment dated February 11, 2008, (hereinafter referred to as “Amendment” or “Applicants’ Amendment”) at pages 6-7, Applicants distinguished the above-noted features from the disclosures in *Kappler* and *Reblewski*. Applicants incorporate those same remarks herein by way of reference.

The Office Action at pages 7-8 (“Response to Arguments”) counters that *Kappler* at col. 12, line 56 – col. 13, line 10 discloses the above-noted features as recited in claim 1. Applicants respectfully disagree that the cited passages of *Kappler* (or any passage of *Kappler*, for that matter) disclose features related to a signal inclusion schedule that specifies an order and frequency of occurrence of each of a plurality of signals in a message as recited in claim 1.

More specifically, claim 1 requires the recited signal inclusion schedule to specify both the order and frequency of occurrence of each of a plurality of signals in a message. *Kappler* fails to disclose such a signal inclusion schedule. Even assuming (without admitting) that the priority rank ordered time-lines 66a-66c described in *Kappler* at col. 12, line 40 may appropriately be analogized to the ordering of each of a plurality of signals in a message as recited in claim 1, *Kappler* fails to disclose the calendar queue/scheduling mechanism 63 (e.g., the alleged signal inclusion schedule as recited in claim 1) specifying a *frequency* of occurrence

of each of a plurality of signals in a message. Instead, *Kappler* at col. 12, lines 35-55 describes routing flows to different class of service output FIFO queues based on output priorities, which lacks any specified frequency as claimed.

One of ordinary skill in the art would appreciate the technical distinctions between the disclosure in *Kappler* and the above-noted features recited in claim 1. *Kappler* at col. 13, lines 4-10 recognizes the deficiencies of routing flows to different class of service output FIFO queues based on priorities as described above. More specifically, *Kappler* at col. 13, lines 4-10 discloses that precision is lost/foregone using such a scheme in order to reduce an amount of memory that is required. Applicants submit that claim 1 is different from, and represents an advance over *Kappler* in this respect because claim 1 allows for increasing resolution/precision without imposing an increased cost in terms of memory capacity required, thus not requiring the same tradeoff to take place. Stated in a slightly different way, *Kappler* would require an increasing amount of memory/FIFO queues to differentiate classes of service with increasing precision. One of skill in the art would appreciate that such an increase in memory would be accompanied by the numerous disadvantages that accompany such an increase, which include a larger form factor, increasing power dissipation, increased over-head/routing logic to interface to such memories, and decreased reliability from a manufacturing/component quality perspective.

Given current trends in the electronic and computer arts to increase throughput (e.g., to increase the number of (data) messages transmitted/received per unit time), the challenges on bandwidth allocation (for a given channel capacity) also increase. See *Kappler* at col. 7, lines 45-57 (discussing relatively tight tolerances and the need for more efficient and more effective traffic shaping mechanisms as a result). Accordingly, the above-noted features recited in claim 1 provide for such improved bandwidth utilization without imposing the costs (in terms of the increased memory that would be required) in *Kappler*.

For at least the foregoing reasons, claim 1 is allowable over *Reblewski* and *Kappler*.

Claims 9, 20, and 24 include similar features as described above with respect to claim 1. Therefore, claims 9, 20, and 24 are patentably distinguishable from the references of record for at least similar reasons as described above with respect to claim 1.

Claims 10-14 and 21-23 depend from claims 9 and 20, respectively, and are distinguishable for at least the same reasons as claims 9 and 20, and further in view of the various features recited therein.

Claims 4 and 14 stand rejected 35 U.S.C. § 103(a) as being unpatentable over *Reblewski* in view of *Kappler*, and further in view of U.S. Published Patent Application No. 2003/0053435 to *Sindhushayana* et al. (hereinafter referred to as “*Sindhushayana*”). Applicants respectfully traverse these rejections.

Even assuming, without admitting, that the combination of *Reblewski*, *Kappler*, and *Sindhushayana* is proper, *Sindhushayana* fails to remedy the deficiencies of *Reblewski* and *Kappler* described above with respect to claims 1 and 9. Claims 4 and 14 depend from claims 1 and 9, respectively, and are therefore allowable for at least the same reasons as their respective base claims.

#### CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

Date: October 31, 2008

By: \_\_\_\_\_ /Ross Dannenberg/  
Ross A. Dannenberg  
Registration No. 49,024  
1100 13th Street, N.W.  
Suite 1200  
Washington, D.C. 20005  
Phone: (202) 824-3000  
Fax: (202) 824-3001